

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, INC.)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO. 97-521
)	
BELLSOUTH TELECOMMUNICATIONS,)	
INC.)	
)	
DEFENDANT)	

O R D E R

On December 22, 1997, AT&T Communications of the South Central States, Inc. ("AT&T") filed its Complaint alleging that BellSouth Telecommunications, Inc. ("BellSouth") has violated federal and state law, Commission Orders, and its interconnection agreement with AT&T ("Agreement"). BellSouth's motion to dismiss, and the subsequent briefings and Commission rulings on that issue, have since consumed several months during which the merits of the Complaint have not been addressed. In the Order dated May 6, 1998, denying BellSouth's motion that the Commission reconsider its refusal to dismiss, the Commission stated that, if BellSouth had not resolved the issues raised in the Complaint to the satisfaction of AT&T within 10 days of the date of the Order, the parties should file procedural schedules by May 26, 1998.

On May 19, 1998, BellSouth filed its Answer, together with an argument that, as to each issue, it has either satisfied the Complaint or is in accord with the parties' Agreement in addressing the matter. BellSouth suggests the Commission require a

response from AT&T clarifying why it does not consider its Complaint satisfied. BellSouth also proposes that it would subsequently respond to the document submitted and then the matter would be submitted to the Commission for resolution.

AT&T, in contrast, suggests a full procedural schedule, to include a prehearing conference, lists of issues and witnesses, a two-day hearing, and post-hearing recommendations from the parties. AT&T contends that a live hearing is preferable in that the parties will appear before the Commission and will be afforded an opportunity to cross-examine witnesses. AT&T also suggests that no testimony be pre-filed, contending that the situation changes so rapidly that prefiled direct testimony might have become stale by the hearing date.

As a threshold matter, the very fact that AT&T has filed a proposed procedural schedule indicates that the matter has not been resolved to its satisfaction. AT&T does not, however, explain why it remains dissatisfied, despite BellSouth's efforts to comply as described in its Answer. Accordingly, AT&T should file, within 7 days of the date of this Order, a brief statement clarifying why, at this point, its Complaint has not been satisfied.

The Commission finds that a live hearing is appropriate in this case. In addition, because this matter should be handled as expeditiously as possible, direct testimony should be prefiled ten days prior to the hearing. If any portion of that testimony has become obsolete by the date of the hearing, the parties may provide necessary supplemental testimony from the witness stand. Neither opening statements nor witnesses' summaries of prefiled direct testimony will be permitted. The Commission will

not hear argument regarding alternative dispute resolution issues determined previously in regard to BellSouth's motion to dismiss. Nor will it hear oral argument or testimony on legal issues. Those issues may be briefed subsequent to the hearing. Testimony given at the hearing should be narrowly focused, concerning only the facts relevant to the issues raised in AT&T's Complaint.

The Commission anticipates that this hearing will be concluded in a single day. A second day, however, has been reserved should the need arise.

The Commission having been sufficiently advised, IT IS THEREFORE ORDERED that:

1. Within 7 days of the date of this Order, AT&T shall file a brief statement clarifying why its Complaint is not now satisfied.
2. A hearing is scheduled in this matter for 9 a.m., Eastern Daylight Time, July 21 and 22, 1998, in Hearing Room 1 at the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.
3. Each party shall file its list of witnesses, in the order in which those witnesses are expected to be called, on or before July 6, 1998.
4. Each party shall prefile its direct testimony on or before July 11, 1998.
5. Each party shall file its brief within 45 days after the conclusion of the hearing.

Done at Frankfort, Kentucky, this 22nd day of June, 1998.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission